

IN THE UNITED STATES DISTRICT COURT FOR

FILED

THE WESTERN DISTRICT OF OKLAHOMA

JUL 14 2008

BRAD MICHAEL HARRIS,

)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.H. DEPUTY

Plaintiff,

)

vs.

)

No. CIV-07-1121-W

TODD HIGGINS,

)

Defendant.

)

ORDER

On June 20, 2008, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this matter and recommended that the complaint filed by plaintiff Brad Michael Harris be dismissed upon filing as moot. Harris was advised of his right to object to the Report and Recommendation, but no timely objection has been filed.¹

Upon review of the record, the Court concurs with Magistrate Judge Argo's suggested disposition of this matter. The relief sought in the instant action—substitution of court-appointed counsel—was granted by the state district court judge two days after this case was filed.

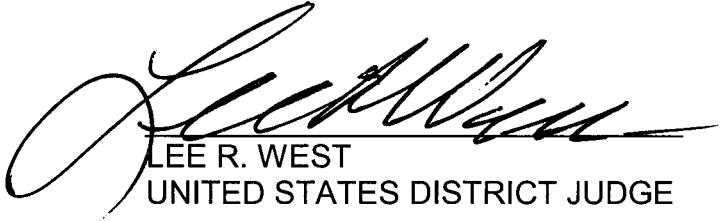
Since Harris has received the requested relief, there no longer exists a justiciable case or controversy as required by Article III of the United States Constitution, and the matter should be dismissed for lack of subject matter jurisdiction.

¹The Clerk of the Court mailed Magistrate Judge Argo's Report and Recommendation to the address listed by Harris in his complaint. See Rule 5.4(a), Rules of the United States District Court for the Western District of Oklahoma (papers sent to last known address deemed delivered). The record indicates that the document was returned to the Clerk by the United States Postal Service with the following notations on the envelope: "Return to Sender" and "Not Here." Rule 5.4(a), supra, requires pro se litigants to provide the Court with a mailing address and to file with the Clerk notice of any change of address. Harris has not complied with this Rule.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on June 20, 2008; and
- (2) DISMISSES this matter.

ENTERED this 17th day of July, 2008.



LEE R. WEST
UNITED STATES DISTRICT JUDGE